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April 28, 2015					
FEDERAL	MARITIME	COMMISSION			

FEDERAL MARITIME COMMISSION

DOCKET NO. 14-16

BALTIC AUTO SHIPPING, INC.

v.

**MICHAEL HITRINOV a/k/a MICHAEL KHITRINOV, and
EMPIRE UNITED LINES CO., INC.**

**APRIL 28, 2015, ORDER GRANTING SECOND MOTION FOR EXTENSION AND
AMENDING BRIEFING SCHEDULE**

On February 23, 2015, I entered a Briefing Schedule ordering respondents Empire United Lines Co., Inc. and Michael Hitrinov a/k/a Michael Khitrinov (Empire) to file a motion for partial summary decision on or before March 16, 2015, on: (1) the effect of the statute of limitations; and (2) the effect of the settlement resolving the 2011 New Jersey case between the parties. Complainant was ordered to file a response by April 6, 2015, and Empire to reply by April 13, 2015. *Baltic Auto Shipping, Inc. v. Michael Hitrinov a/k/a Michael Khitrinov and Empire United Lines Co., Inc.*, FMC No. 14-16 (ALJ Feb. 24, 2015) (Briefing Schedule). After a telephone conference, the dates were changed to March 23, 2015, April 20, 2015, and May 4, 2015, respectively. *Baltic Auto Shipping, Inc. v. Michael Hitrinov a/k/a Michael Khitrinov and Empire United Lines Co., Inc.*, FMC No. 14-16 (ALJ Mar. 13, 2015) (March 13, 2015, Order on Respondents' Motion and Amended Briefing Schedule). On April 21, 2015, the dates were extended again. *Baltic Auto Shipping, Inc. v. Michael Hitrinov a/k/a Michael Khitrinov and Empire United Lines Co., Inc.*, FMC No. 14-16 (ALJ Apr. 21, 2015) (April 21, 2015, Order Granting Motion for Extension and Amending Briefing Schedule).


On April 24, 2015, complainant Baltic Auto Shipping, Inc. (Baltic) filed a second motion requesting an extension of time to May 28, 2015, to file its response and extension of Empire's reply to June 18, 2015. As grounds for the extension, Baltic stated that it had not yet received a complete response to a subpoena *duces tecum* directed to a third party. On April 27, 2015, Empire filed an opposition to the motion and on April 27, 2015, Baltic filed an unauthorized reply. *See* 46 C.F.R.

§ 502.71(c) (“The moving party may not file a reply to a response to a non-dispositive motion unless requested by the Commission or presiding officer, or upon a showing of extraordinary circumstances.”).

The parties were ordered to appear for argument on the motion on April 28, 2015. *Baltic Auto Shipping, Inc. v. Michael Hitrinov a/k/a Michael Khitrinov and Empire United Lines Co., Inc.*, FMC No. 14-16 (ALJ Apr. 27, 2015) (Order to Appear for Argument). Baltic appeared through its counsel Marcus A. Nussbaum and Empire appeared thorough its counsel Gerry Doyle and David Gabel. The conference was recorded by audio, but no transcript was made of the recording. The parties have been supplied with electronic copies of the recording.

Baltic has stated good cause for extending the dates for the parties’ briefs; therefore, it is ordered that Baltic’s motion be granted. The Briefing Schedule is amended to require:

May 8, 2015	Complainant will file its response to the motion for partial summary decision. No further extensions will be granted.
May 18, 2015	Respondents may file a reply to Complainant’s response.


Clay G. Guthridge
Administrative Law Judge